

REMARKS

On Appeal, claims 1, 3, 9, 11-13 were pending and claims 29-36 were withdrawn from consideration. In this Request for Continued Examination Submission under 37 C.F.R. § 1.114, Applicants hereby cancel claims 1, 3, 9, 11-13 and 29-36 and add new claims 37-46. Support for the new claims may be found throughout the specification, e.g., at page 15; page 24, last sentence – page 25, end of first paragraph; and page 25, last paragraph – page 26 (full page). No new matter has been added. Applicants respectfully note that the new claims correspond to the elected restriction group, namely Group I (directed to a dry, removable wound dressing comprising a matrix containing a hemostatic agent). Accordingly, claims 37-46 are pending.

For the Examiner's reference, Applicants note that they also file concurrently herewith a Request for Continued Examination, a Supplemental Information Disclosure Statement, a Request for Corrected Filing Receipt, a submission of formal drawings, and a Revocation and New Power of Attorney.

In light of the amendment and the following remarks, Applicants respectfully request reconsideration and allowance of claims 37-46.

Rejections under 35 U.S.C. § 102(b)

In the Examiner's Answer, the Examiner maintained the rejection of claims 1, 3, 9, 12, and 13 under 35 U.S.C. § 102(b) as being anticipated by G.B. 1454055 (hereinafter "GB '055"). In particular, the Examiner stated that GB '055 discloses a wound dressing comprising dextran beads having pores that would exclude degradation products of fibrinogen having molecular weights within the claimed ranges. In addition, the Examiner stated that GB '055 "specifically notes the inclusion of the 'so-called thrombocyte factors which influence the first phase of the blood coagulation process' in the wound dressing (See, e.g., page 1, col.2, line 91)."

Applicants respectfully disagree with respect to claims 37-46. A claim is anticipated only if each and every limitation is disclosed in a single prior art reference. See, e.g., Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 639 (Fed. Cir. 1989) and MPEP § 2131. Present claim 37 recites a dry, removable wound dressing comprising a gauze matrix having a coating of

cross-linked polysaccharide beads on a wound-contacting surface of the gauze matrix. At no point does GB '055 teach or suggest a dry, removable wound dressing having a gauze matrix having a coating of cross-linked polysaccharide beads on a wound-contacting surface of the gauze matrix. While GB '055 discloses "coherent layers" of its compositions, "packs" of its compositions having a protective layer included therewith, or the inclusion of its compositions between support layers, there is no disclosure of a gauze matrix having a coating of cross-linked polysaccharide beads on a wound-contacting surface of the gauze matrix. Accordingly, claim 37, the only independent claim, is not anticipated and Applicants request withdrawal of the rejection.

With respect to new claim 45, directed to the wound dressing of claim 37 that further includes at least one of collagen, fibrinogen, and thrombin, Applicants respectfully note that GB '055 does not disclose the inclusion of such agents in its compositions. Rather, the passage at page 1, col. 2, line 91 referred to by the Examiner, when read in context with the prior paragraph, indicates that the GB '055 compositions can "absorb low molecular weight constituents of blood plasma" (emphasis added) which include the "so-called thrombocyte factors which influence the first phase of the blood coagulation process." GB '055 does not therefore teach or suggest the inclusion of such factors in its compositions, but merely notes that its compositions can absorb such factors, e.g., after administration. Accordingly, Applicants respectfully assert that claim 45 is not anticipated, and respectfully request withdrawal of the rejection.

Rejections under 35 U.S.C. § 103

In the Examiner's Answer, the Examiner maintained the rejection of claim 11 under 35 U.S.C. § 103 as being unpatentable over GB '055 in view of Larson, J. Dermatol. Surg. Oncol. 14(6):623-32 (1988) (hereinafter "Larson"); U.S. Pat. No. 5,196,190 to Nangia (hereinafter "Nangia"); and Eloy et al., J. Biomed. Mater. Res. 22 (2):149-57 (1998) (hereinafter "Eloy"). In particular, the Examiner stated that Larson and Eloy teach that collagen, fibrinogen, and thrombin are well-known hemostatic agents and that Nangia teaches that cross-linked dextran has hemostatic properties. In conclusion, the Examiner stated that it would have been "*prima*

facie obvious to combine two or more ingredients each of which is taught by the prior art to be useful for the same purpose in order to form a third composition which is useful for the same purpose.”

Applicants respectfully disagree with respect to the present claims. Proper analysis under § 103 requires consideration of two factors: (1) whether the prior art would have suggested to those of ordinary skill in the art that they should make the claimed composition, and (2) whether the prior art would also have revealed that in so making, those of ordinary skill would have had a reasonable expectation of success. See, e.g., In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). As indicated previously, at no point does the GB '055 patent teach or suggest the claimed dry, removable wound dressing having a gauze matrix having a coating of cross-linked polysaccharide beads on a wound-contacting surface of the gauze matrix. Eloy, Larson, and Nangia, either alone or in combination, do not cure the deficiencies of GB '055. As noted by the Examiner, Larson and Eloy disclose various topical hemostatic agents, including collagen and thrombin. Nangia discloses membranes that may include cross-linked dextran that are suitable as synthetic skin substitutes. Applicants respectfully assert, however, that none of the cited art teaches or suggests the recited limitation of a gauze matrix having a coating of cross-linked polysaccharide beads. Moreover, none of the cited art teaches or suggests that one of ordinary skill in the art should modify the “packs” or “coherent layers” of GB '055 to result in the recited gauze matrix having a coating of cross-linked polysaccharide beads. Accordingly, the claims are not obvious given the cited references, and Applicants respectfully request withdrawal of the rejections.

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Serial No. : 09/438,872
Filed : November 12, 1999
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CONCLUSION

Applicants respectfully assert that all claims are in condition for allowance, which action is requested. The Examiner is invited to telephone the undersigned attorney if such would expedite prosecution.

Enclosed is a \$395.00 check for Request for Continued Examination fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

3/18/05



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